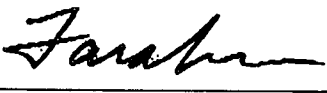


I certify this to be a true and correct
copy of the indicated document as
referred or transmitted to committee.

Chief Clerk of the House

FILED MAR 10 2005

By: 

H.J.R. No. 87

A JOINT RESOLUTION

1 proposing a constitutional amendment to include a constitutional
2 county judge on the membership of State Commission on Judicial
3 Conduct.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 1-a(2), Article V, Texas Constitution,
6 is amended to reads as follows:

7 (2) The State Commission on Judicial Conduct consists of
8 [~~eleven (11)~~] twelve (12) members, to wit: (i) one (1) Justice of a
9 Court of Appeals; (ii) one (1) District Judge; (iii) two (2) members
10 of the State Bar, who have respectively practiced as such for over
11 ten (10) consecutive years next preceding their selection; (iiii)
12 four (4) citizens, at least thirty (30) years of age, not licensed
13 to practice law nor holding any salaried public office or
14 employment; (v) one (1) Justice of the Peace; (vi) one (1) Judge of
15 a Municipal Court; [~~and,~~] (vii) one (1) Judge of a County Court at
16 Law; and (viii) one (1) Judge of a Constitutional County Court;
17 provided that no person shall be or remain a member of the
18 Commission, who does not maintain physical residence within this
19 State, or who resides in, or holds a judgeship within or for, the
20 same Supreme Judicial District as another member of the Commission,
21 or who shall have ceased to retain the qualifications above
22 specified for his respective class of membership, except that the
23 Justice of the Peace and the Judges of a Municipal Court and or a
24 County Court at Law shall be selected at large without regard to

1 whether they reside or hold a judgeship in the same Supreme Judicial
2 District as another member of the Commission. Commissioners of
3 classes (i), (ii), ~~[and]~~ (vii), and (viii), above shall be chosen by
4 the Supreme Court with advice and consent of the Senate, those of
5 class (iii) by the Board of Directors of the State Bar under
6 regulations to be prescribed by the Supreme Court with advice and
7 consent of the Senate, those of class (iiii) by appointment of the
8 Governor with advice and consent of the Senate, and the
9 commissioners of classes (v) and (vi) by appointment of the Supreme
10 Court as provided by law, with the advice and consent of the Senate.

11 SECTION 2. This proposed constitutional amendment shall be
12 submitted to the voters at an election to be held November 8, 2005.
13 The ballot shall be printed to permit voting for or against the
14 proposition: "The constitutional amendment to include a
15 constitutional county judge on the membership of the State
16 Commission on Judicial Conduct."

HOUSE COMMITTEE REPORT

05 APR 14 PM 10:51
HOUSE OF REPRESENTATIVES

1st Printing

By: Farabee

H.J.R. No. 87

Substitute the following for H.J.R. No. 87:

By: Hartnett

C.S.H.J.R. No. 87

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the membership of
2 the State Commission on Judicial Conduct.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Sections 1-a(2) and (5), Article V, Texas
5 Constitution, are amended to read as follows:

6 (2) The State Commission on Judicial Conduct consists of
7 thirteen (13) ~~[eleven (11)]~~ members, to wit: (i) one (1) Justice of
8 a Court of Appeals; (ii) one (1) District Judge; (iii) two (2)
9 members of the State Bar, who have respectively practiced as such
10 for over ten (10) consecutive years next preceding their selection;
11 (iv) ~~[(iiii)]~~ four (4) citizens, at least thirty (30) years of age,
12 not licensed to practice law nor holding any salaried public office
13 or employment; (v) one (1) Justice of the Peace; (vi) one (1) Judge
14 of a Municipal Court; ~~[and]~~ (vii) one (1) Judge of a County Court
15 at Law; (viii) one (1) Judge of a Statutory Probate Court; and (ix)
16 one (1) Judge of a Constitutional County Court; provided that no
17 person shall be or remain a member of the Commission, who does not
18 maintain physical residence within this State, ~~[or who resides in,~~
19 ~~or holds a judgeship within or for, the same Supreme Judicial~~
20 ~~District as another member of the Commission,~~ or who shall have
21 ceased to retain the qualifications above specified for that
22 person's ~~[his]~~ respective class of membership, and provided that a
23 Commissioner of class (i), (ii), or (iii) may not ~~[except that the~~
24 ~~Justice of the Peace and the Judges of a Municipal Court and or a~~

1 ~~County Court at Law shall be selected at large without regard to~~
2 ~~whether they~~] reside or hold a judgeship in the same court of
3 appeals district [~~Supreme Judicial District~~] as another member of
4 the Commission. Commissioners of classes (i), (ii), [~~and~~] (vii),
5 (viii), and (ix) above shall be chosen by the Supreme Court with
6 advice and consent of the Senate, those of class (iii) by the Board
7 of Directors of the State Bar under regulations to be prescribed by
8 the Supreme Court with advice and consent of the Senate, those of
9 class (iv) [~~(iii)~~] by appointment of the Governor with advice and
10 consent of the Senate, and the commissioners of classes (v) and (vi)
11 by appointment of the Supreme Court as provided by law, with the
12 advice and consent of the Senate.

13 (5) The Commission may hold its meetings, hearings and other
14 proceedings at such times and places as it shall determine but shall
15 meet at Austin at least once each year. It shall annually select
16 one of its members as Chairman. A quorum shall consist of seven (7)
17 [~~six (6)~~] members. Proceedings shall be by majority vote of those
18 present, except that recommendations for retirement, censure,
19 suspension, or removal of any person holding an office named in
20 Paragraph A of Subsection (6) of this Section shall be by
21 affirmative vote of at least seven (7) [~~six (6)~~] members.

22 SECTION 2. This proposed constitutional amendment shall be
23 submitted to the voters at an election to be held November 8, 2005.
24 The ballot shall be printed to provide for voting for or against the
25 proposition: "The constitutional amendment to include a statutory
26 probate court judge and a constitutional county court judge on the
27 membership of the State Commission on Judicial Conduct."

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

4-13-05
(date)

Sir:

We, your COMMITTEE ON JUDICIARY

to whom was referred HJR 87 have had the same under consideration and beg to report back with the recommendation that it

- () do pass, without amendment.
- () do pass, with amendment(s).
- ☒ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- ☒ yes () no A fiscal note was requested.
- () yes ☒ no A criminal justice policy impact statement was requested.
- () yes ☒ no An equalized educational funding impact statement was requested.
- () yes ☒ no An actuarial analysis was requested.
- () yes ☒ no A water development policy impact statement was requested.
- () yes ☒ no A tax equity note was requested.
- () The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors: _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Hartnett, Chair	<input checked="" type="checkbox"/>			
Hughes, Vice-chair	<input checked="" type="checkbox"/>			
Alonzo	<input checked="" type="checkbox"/>			
Gonzales	<input checked="" type="checkbox"/>			
Hopson				<input checked="" type="checkbox"/>
Keel	<input checked="" type="checkbox"/>			
Solis	<input checked="" type="checkbox"/>			
Straus	<input checked="" type="checkbox"/>			
Van Arsdale	<input checked="" type="checkbox"/>			

Total

8 aye
0 nay
0 present, not voting
1 absent

Wile Hartnett
CHAIR

BILL ANALYSIS

C.S.H.J.R. 87

By: Farabee

Judiciary

Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, the State Commission on Judicial Conduct, which is responsible for investigating allegations of judicial misconduct, disability, and the disciplining judges, is comprised of 11 members. These members are brought together for the purpose of bringing a broad array of perspectives to the Commission. One group that is under the jurisdiction of the Commission, but is not given any representation, is that of County Judges. H. J. R. 87 amends Sec. 1-a(2), Art. V of the State Constitution by adding one member to the Commission who is a County Court Judge, making a total of 12 members.

RULEMAKING AUTHORITY

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

HJR 87 proposes a constitutional amendment which amends Article V of the Texas Constitution to allow the State Commission on Judicial Conduct to consist of thirteen (13) members. Those members will include, 1 Justice of a Court of Appeals; 1 District Judge; 2 members of the State Bar, who have respectively practiced as such for over 10 consecutive years next preceding their selection; 4 citizens, at least thirty years of age, not licensed to practice law nor holding any salaried public office or employment; 1 Justice of the Peace; 1 Judge of a Municipal Court; 1 Judge of a County Court at Law; and 1 Judge of a Constitutional County Court and 1 judge of a statutory probate court.

EFFECTIVE DATE

Upon passage

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute increases the membership of the commission by two, whereas the original only had a one member increase. The substitute also addresses a change in the quorum and majority vote provisions of subsection (5). The substitute is in Legislative Council form.

SUMMARY OF COMMITTEE ACTION

HJR 87

March 30, 2005 2:00PM or upon final adjourn./recess

Considered in public hearing
Testimony taken in committee (See attached witness list.)
Left pending in committee

April 4, 2005 2:00PM or upon final adjourn./recess

Considered in public hearing
Committee substitute considered in committee
Reported favorably as substituted

April 7, 2005 upon final adjourn./recess

Considered in formal meeting
Left pending in committee

April 11, 2005 2:00PM or upon final adjourn./recess

Considered in public hearing
Vote reconsidered in committee
Committee substitute considered in committee
Testimony taken in committee (See attached witness list.)
Left pending in committee

April 13, 2005 upon final adjourn./recess

Considered in formal meeting
Committee substitute considered in committee
Reported favorably as substituted

WITNESS LIST

HJR 87
HOUSE COMMITTEE REPORT
Judiciary Committee

March 30, 2005 - 2:00PM or upon final adjourn./recess

On: Willing, Seana (State Commission on Judicial Conduct)

April 11, 2005 - 2:00PM or upon final adjourn./recess

On: Willing, Seana (State Commission on Judicial Conduct)

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

Revision 1

April 14, 2005

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR87 by Farabee (Proposing a constitutional amendment relating to the membership of the State Commission on Judicial Conduct.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$66,497.

The State Commission on Judicial Conduct estimates a fiscal impact of \$5,500 in fiscal year 2006 and \$5,000 every year thereafter for travel and other operating expenses related to the passage of House Joint Resolution 87, which adds one constitutional court judge to the Commission. It is assumed that the costs associated with the implementation of this provision could be absorbed within the agency's existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 242 State Commission on Judicial Conduct

LBB Staff: JOB, LB, ZS, ER

4

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 6, 2005

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR87 by Farabee (Proposing a constitutional amendment relating to the membership of the State Commission on Judicial Conduct.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$66,497.

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Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 242 State Commission on Judicial Conduct

LBB Staff: JOB, LB, ZS, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 29, 2005

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR87 by Farabee (Proposing a constitutional amendment to include a constitutional county judge on the membership of State Commission on Judicial Conduct.), **As Introduced**

No significant fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$66,497.

The State Commission on Judicial Conduct estimates an additional cost of \$2,000 per fiscal year, beginning in fiscal year 2006, for travel and other operating expenses related to passage of HJR 87. It is assumed that the costs associated with the implementation of this provision could be absorbed within the agency's existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 242 State Commission on Judicial Conduct

LBB Staff: JOB, LB, ZS, ER

6

(((insert to marked doc must)))

ADOPTED

APR 23 2005

Ra
Chief Clerk
House of Representatives

By: *Farah*

H.J.R. No. 87

Substitute the following for H.J.R. No. 87:

By: *Hartnett*

C.S.H.J.R. No. 87

A JOINT RESOLUTION

proposing a constitutional amendment relating to the membership of the State Commission on Judicial Conduct.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 1-a(2) and (5), Article V, Texas Constitution, are amended to read as follows:

(2) The State Commission on Judicial Conduct consists of thirteen (13) ~~[eleven (11)]~~ members, to wit: (i) one (1) Justice of a Court of Appeals; (ii) one (1) District Judge; (iii) two (2) members of the State Bar, who have respectively practiced as such for over ten (10) consecutive years next preceding their selection; (iv) [four (4)] ~~[(iv)]~~ four (4) citizens, at least thirty (30) years of age, not licensed to practice law nor holding any salaried public office or employment; (v) one (1) Justice of the Peace; (vi) one (1) Judge of a Municipal Court; ~~[and,]~~ (vii) one (1) Judge of a County Court at Law; (viii) one (1) Judge of a Statutory Probate Court; and (ix) one (1) Judge of a Constitutional County Court; provided that no person shall be or remain a member of the Commission, who does not maintain physical residence within this State, ~~[or who resides in, or holds a judgeship within or for, the same Supreme Judicial District as another member of the Commission,]~~ or who shall have ceased to retain the qualifications above specified for that person's ~~[his]~~ respective class of membership, and provided that a Commissioner of class (i), (ii), or (iii) may not ~~[except that the Justice of the Peace and the Judges of a Municipal Court and or a~~

1 ~~County Court at Law shall be selected at large without regard to~~
2 ~~whether they~~ reside or hold a judgeship in the same court of
3 appeals district [~~Supreme Judicial District~~] as another member of
4 the Commission. Commissioners of classes (i), (ii), [~~and~~] (vii),
5 (viii), and (ix) above shall be chosen by the Supreme Court with
6 advice and consent of the Senate, those of class (iii) by the Board
7 of Directors of the State Bar under regulations to be prescribed by
8 the Supreme Court with advice and consent of the Senate, those of
9 class (iv) [~~(iii)~~] by appointment of the Governor with advice and
10 consent of the Senate, and the commissioners of classes (v) and (vi)
11 by appointment of the Supreme Court as provided by law, with the
12 advice and consent of the Senate.

13 (5) The Commission may hold its meetings, hearings and other
14 proceedings at such times and places as it shall determine but shall
15 meet at Austin at least once each year. It shall annually select
16 one of its members as Chairman. A quorum shall consist of seven (7)
17 [~~six (6)~~] members. Proceedings shall be by majority vote of those
18 present, except that recommendations for retirement, censure,
19 suspension, or removal of any person holding an office named in
20 Paragraph A of Subsection (6) of this Section shall be by
21 affirmative vote of at least seven (7) [~~six (6)~~] members.

22 SECTION 2. This proposed constitutional amendment shall be
23 submitted to the voters at an election to be held November 8, 2005.
24 The ballot shall be printed to provide for voting for or against the
25 proposition: "The constitutional amendment to include a statutory
26 probate court judge and a constitutional county court judge on the
27 membership of the State Commission on Judicial Conduct."

HOUSE ENGROSSMENT

By: Farabee

H.J.R. No. 87

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the membership of
2 the State Commission on Judicial Conduct.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Sections 1-a(2) and (5), Article V, Texas
5 Constitution, are amended to read as follows:

6 (2) The State Commission on Judicial Conduct consists of
7 thirteen (13) ~~eleven (11)~~ members, to wit: (i) one (1) Justice of
8 a Court of Appeals; (ii) one (1) District Judge; (iii) two (2)
9 members of the State Bar, who have respectively practiced as such
10 for over ten (10) consecutive years next preceding their selection;
11 (iv) ~~(iiii)~~ four (4) citizens, at least thirty (30) years of age,
12 not licensed to practice law nor holding any salaried public office
13 or employment; (v) one (1) Justice of the Peace; (vi) one (1) Judge
14 of a Municipal Court; ~~and,~~ (vii) one (1) Judge of a County Court
15 at Law; (viii) one (1) Judge of a Statutory Probate Court; and (ix)
16 one (1) Judge of a Constitutional County Court; provided that no
17 person shall be or remain a member of the Commission, who does not
18 maintain physical residence within this State, ~~[or who resides in,~~
19 ~~or holds a judgeship within or for, the same Supreme Judicial~~
20 ~~District as another member of the Commission,~~] or who shall have
21 ceased to retain the qualifications above specified for that
22 person's ~~[his]~~ respective class of membership, and provided that a
23 Commissioner of class (i), (ii), or (iii) may not ~~[except that the~~
24 ~~Justice of the Peace and the Judges of a Municipal Court and or a~~

1 ~~County Court at Law shall be selected at large without regard to~~
2 ~~whether they~~] reside or hold a judgeship in the same court of
3 appeals district [~~Supreme Judicial District~~] as another member of
4 the Commission. Commissioners of classes (i), (ii), [~~and~~] (vii),
5 (viii), and (ix) above shall be chosen by the Supreme Court with
6 advice and consent of the Senate, those of class (iii) by the Board
7 of Directors of the State Bar under regulations to be prescribed by
8 the Supreme Court with advice and consent of the Senate, those of
9 class (iv) [~~(iii)~~] by appointment of the Governor with advice and
10 consent of the Senate, and the commissioners of classes (v) and (vi)
11 by appointment of the Supreme Court as provided by law, with the
12 advice and consent of the Senate.

13 (5) The Commission may hold its meetings, hearings and other
14 proceedings at such times and places as it shall determine but shall
15 meet at Austin at least once each year. It shall annually select
16 one of its members as Chairman. A quorum shall consist of seven (7)
17 [~~six (6)~~] members. Proceedings shall be by majority vote of those
18 present, except that recommendations for retirement, censure,
19 suspension, or removal of any person holding an office named in
20 Paragraph A of Subsection (6) of this Section shall be by
21 affirmative vote of at least seven (7) [~~six (6)~~] members.

22 SECTION 2. This proposed constitutional amendment shall be
23 submitted to the voters at an election to be held November 8, 2005.
24 The ballot shall be printed to provide for voting for or against the
25 proposition: "The constitutional amendment to include a statutory
26 probate court judge and a constitutional county court judge on the
27 membership of the State Commission on Judicial Conduct."

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

Revision 1

April 14, 2005

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR87 by Farabee (Proposing a constitutional amendment relating to the membership of the State Commission on Judicial Conduct.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$66,497.

The State Commission on Judicial Conduct estimates a fiscal impact of \$5,500 in fiscal year 2006 and \$5,000 every year thereafter for travel and other operating expenses related to the passage of House Joint Resolution 87, which adds one constitutional court judge to the Commission. It is assumed that the costs associated with the implementation of this provision could be absorbed within the agency's existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 242 State Commission on Judicial Conduct

LBB Staff: JOB, LB, ZS, ER

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 6, 2005

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: **HJR87** by Farabee (Proposing a constitutional amendment relating to the membership of the State Commission on Judicial Conduct.), **Committee Report 1st House, Substituted**

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Source Agencies: 242 State Commission on Judicial Conduct

LBB Staff: JOB, LB, ZS, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 29, 2005

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR87 by Farabee (Proposing a constitutional amendment to include a constitutional county judge on the membership of State Commission on Judicial Conduct.), **As Introduced**

No significant fiscal implication to the State is anticipated, other than the cost of publication.

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Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 242 State Commission on Judicial Conduct

LBB Staff: JOB, LB, ZS, ER

1-1 By: Farabee (Senate Sponsor - Lindsay) H.J.R. No. 87
1-2 (In the Senate - Received from the House April 26, 2005;
1-3 April 27, 2005, read first time and referred to Committee on
1-4 Jurisprudence; May 16, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 May 16, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.J.R. No. 87 By: Wentworth

1-8 HOUSE JOINT RESOLUTION

1-9 proposing a constitutional amendment relating to the membership of
1-10 the State Commission on Judicial Conduct.

1-11 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Sections 1-a(2) and (5), Article V, Texas
1-13 Constitution, are amended to read as follows:

1-14 (2) The State Commission on Judicial Conduct consists of
1-15 thirteen (13) [~~eleven (11)~~] members, to wit: (i) one (1) Justice of
1-16 a Court of Appeals; (ii) one (1) District Judge; (iii) two (2)
1-17 members of the State Bar, who have respectively practiced as such
1-18 for over ten (10) consecutive years next preceding their selection;
1-19 (iv) five (5) [~~(iiii) four (4)~~] citizens, at least thirty (30) years
1-20 of age, not licensed to practice law nor holding any salaried public
1-21 office or employment; (v) one (1) Justice of the Peace; (vi) one (1)
1-22 Judge of a Municipal Court; ~~and,~~ (vii) one (1) Judge of a County
1-23 Court at Law; and (viii) one (1) Judge of a Constitutional County
1-24 Court; provided that no person shall be or remain a member of the
1-25 Commission, who does not maintain physical residence within this
1-26 State, ~~[or who resides in, or holds a judgeship within or for, the~~
1-27 ~~same Supreme Judicial District as another member of the~~
1-28 ~~Commission,]~~ or who shall have ceased to retain the qualifications
1-29 above specified for that person's [~~his~~] respective class of
1-30 membership, and provided that a Commissioner of class (i), (ii),
1-31 (iii), (vii), or (viii) may not ~~[except that the Justice of the~~
1-32 ~~Peace and the Judges of a Municipal Court and or a County Court at~~
1-33 ~~Law shall be selected at large without regard to whether they]~~
1-34 reside or hold a judgeship in the same court of appeals district
1-35 [Supreme Judicial District] as another member of the Commission.
1-36 Commissioners of classes (i), (ii), ~~and~~ (vii), and (viii) above
1-37 shall be chosen by the Supreme Court with advice and consent of the
1-38 Senate, those of class (iii) by the Board of Directors of the State
1-39 Bar under regulations to be prescribed by the Supreme Court with
1-40 advice and consent of the Senate, those of class (iv) [~~(iiii)~~] by
1-41 appointment of the Governor with advice and consent of the Senate,
1-42 and the commissioners of classes (v) and (vi) by appointment of the
1-43 Supreme Court as provided by law, with the advice and consent of the
1-44 Senate.

1-45 (5) The Commission may hold its meetings, hearings and other
1-46 proceedings at such times and places as it shall determine but shall
1-47 meet at Austin at least once each year. It shall annually select
1-48 one of its members as Chairman. A quorum shall consist of seven (7)
1-49 [~~six (6)~~] members. Proceedings shall be by majority vote of those
1-50 present, except that recommendations for retirement, censure,
1-51 suspension, or removal of any person holding an office named in
1-52 Paragraph A of Subsection (6) of this Section shall be by
1-53 affirmative vote of at least seven (7) [~~six (6)~~] members.

1-54 SECTION 2. This proposed constitutional amendment shall be
1-55 submitted to the voters at an election to be held November 8, 2005.
1-56 The ballot shall be printed to provide for voting for or against the
1-57 proposition: "The constitutional amendment to include one
1-58 additional public member and a constitutional county court judge in
1-59 the membership of the State Commission on Judicial Conduct."

1-60 * * * * *

FAVORABLY AS SUBSTITUTED
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 87
By Lindsay
(Author/Senate Sponsor)
5-16-05
(date)

We, your Committee on JURISPRUDENCE, to which was referred the attached measure,
have on 5-12-05, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

- ☒ do pass as substituted, and be printed
☒ the caption remained the same as original measure
☐ the caption changed with adoption of the substitute
☐ do pass as substituted, and be ordered not printed
☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☒ yes ☐ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Wentworth, Chair	<input checked="" type="checkbox"/>			
Senator Gallegos, Vice-Chair	<input checked="" type="checkbox"/>			
Senator Averitt	<input checked="" type="checkbox"/>			
Senator Duncan			<input checked="" type="checkbox"/>	
Senator Harris	<input checked="" type="checkbox"/>			
Senator Hinojosa	<input checked="" type="checkbox"/>			
Senator West			<input checked="" type="checkbox"/>	
TOTAL VOTES	<u>5</u>	<u>0</u>	<u>2</u>	<u>0</u>

COMMITTEE ACTION

☒ S260 Considered in public hearing
☒ S270 Testimony taken

Stephanie Houser
COMMITTEE CLERK

Jill Wentworth
CHAIR

Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute
Retain one copy of this form for Committee files

WITNESS LIST

HJR 87

SENATE COMMITTEE REPORT

Jurisprudence

May 12, 2005 - 11:00AM

FOR: Allison, Jim General Counsel (County Judges & Commissioners Assn. of TX), Austin,
TX

Registering, but not testifying:

On: Willing, Seana Executive Director (State Commission on Judicial Conduct), Austin,
TX

BILL ANALYSIS

Senate Research Center

H.J.R. 87
By: Farabee (Lindsay)
Jurisprudence
4/29/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The State Commission on Judicial Conduct is responsible for the investigation and prosecution of judicial misconduct. The present eleven members consist of five judges representing all levels of the judiciary, four public members, and two attorneys.

H.J.R. 87 proposes a constitutional amendment to add a judge of a constitutional county court and a judge of a statutory probate court to the membership of the State Commission on Judicial Conduct. It also removes the geographical restriction that prohibits the membership of two committee members from the same supreme judicial district.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 1-a(2) and (5), Article V, Texas Constitution, as follows:

(2) Increases the State Commission on Judicial Conduct (commission) membership from 11 to 13 by adding one judge of a statutory probate court and one judge of a constitutional county court provided that no person shall be or remain a member of the commission who does not maintain physical residence within this state, or who shall have ceased to retain the qualifications above specified for that person's respective class of membership, and provided that a commissioner of class (i), (ii), or (iii) may not reside or hold a judgeship in the same court of appeals district, rather than supreme judicial district, as another member of the commission. Makes conforming and nonsubstantive changes.

(5) Requires a quorum to consist of seven, rather than six, members. Requires proceedings to be by majority vote of those present, except that recommendations for retirement, censure, suspension, or removal of any person holding an office named in Paragraph A of Subsection (6) of this section to be by affirmative vote of at least seven, rather than six, members.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 8, 2005. Sets forth the required language for the ballot.

BILL ANALYSIS

Senate Research Center
79R17073 RMB-F

C.S.H.J.R. 87
By: Farabee (Lindsay)
Jurisprudence
5/13/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

C.S.H.J.R. 87 proposes a constitutional amendment to add one additional public member and a judge of a constitutional county court to the membership of the State Commission on Judicial Conduct. It also removes the geographical restriction that prohibits the membership of two committee members from the same supreme judicial district.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 1-a(2) and (5), Article V, Texas Constitution, as follows:

(2) Increases the State Commission on Judicial Conduct (commission) membership from 11 to 13 by adding one judge of a constitutional county court and one additional public member provided that no person shall be or remain a member of the commission who does not maintain physical residence within this state, or who shall have ceased to retain the qualifications above specified for that person's respective class of membership, and provided that a commissioner of class (i), (ii), (iii), (vii) or (viii) may not reside or hold a judgeship in the same court of appeals district, rather than supreme judicial district, as another member of the commission. Makes conforming and nonsubstantive changes.

(5) Requires a quorum to consist of seven, rather than six, members. Requires proceedings to be by majority vote of those present, except that recommendations for retirement, censure, suspension, or removal of any person holding an office named in Paragraph A of Subsection (6) of this section to be by affirmative vote of at least seven, rather than six, members.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 8, 2005. Sets forth the required language for the ballot.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 16, 2005

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR87 by Farabee (Proposing a constitutional amendment relating to the membership of the State Commission of Judicial Conduct.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$66,497.

The State Commission on Judicial Conduct estimates a fiscal impact of \$5,500 in fiscal year 2006 and \$5,000 every year thereafter for travel and other operating expenses related to the passage of House Joint Resolution 87, which adds one constitutional county court judge and one citizen to the Commission. Additionally, the agency anticipates a cost of at least \$12,000 for expenses related to expanding its accommodations for 2 additional commissioners. It is assumed that the annual costs associated with the implementation of this provision could be absorbed within the agency's existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 242 State Commission on Judicial Conduct

LBB Staff: JOB, LB, ZS, ER

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 9, 2005

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR87 by Farabee (Proposing a constitutional amendment relating to the membership of the State Commission on Judicial Conduct.), **As Engrossed**

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No fiscal implication to units of local government is anticipated.

Source Agencies: 242 State Commission on Judicial Conduct

LBB Staff: JOB, LB, ZS, ER

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

Revision 1

April 14, 2005

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR87 by Farabee (Proposing a constitutional amendment relating to the membership of the State Commission on Judicial Conduct.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated, other than the cost of publication.

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No fiscal implication to units of local government is anticipated.

Source Agencies: 242 State Commission on Judicial Conduct

LBB Staff: JOB, LB, ZS, ER

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 6, 2005

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR87 by Farabee (Proposing a constitutional amendment relating to the membership of the State Commission on Judicial Conduct.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated, other than the cost of publication.

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Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 242 State Commission on Judicial Conduct

LBB Staff: JOB, LB, ZS, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 29, 2005

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR87 by Farabee (Proposing a constitutional amendment to include a constitutional county judge on the membership of State Commission on Judicial Conduct.), **As Introduced**

No significant fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$66,497.

The State Commission on Judicial Conduct estimates an additional cost of \$2,000 per fiscal year, beginning in fiscal year 2006, for travel and other operating expenses related to passage of HJR 87. It is assumed that the costs associated with the implementation of this provision could be absorbed within the agency's existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 242 State Commission on Judicial Conduct

LBB Staff: JOB, LB, ZS, ER

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that HJR 87, by Lindsay,
(Bill No.) (Author/Sponsor)

was heard by the Committee on Jurisprudence on 5/12/05,
2005,

and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

Stephanie Hoover
(Clerk of the reporting committee)

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.

ADOPTED

31-0
MAY 20 2005

Atty. Gen.
Secretary of the Senate

By: _____ .J.R. No. _____

Substitute the following for _____ .J.R. No. _____:

By: Westworth C.S. 4 .J.R. No. 87

A JOINT RESOLUTION

proposing a constitutional amendment relating to the membership of
the State Commission on Judicial Conduct.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 1-a(2) and (5), Article V, Texas
Constitution, are amended to read as follows:

✓ (2) The State Commission on Judicial Conduct consists of
thirteen (13) [~~eleven (11)~~] members, to wit: (i) one (1) Justice of
a Court of Appeals; (ii) one (1) District Judge; (iii) two (2)
members of the State Bar, who have respectively practiced as such
for over ten (10) consecutive years next preceding their selection;
(iv) five (5) [~~(iiii) four (4)~~] citizens, at least thirty (30) years
of age, not licensed to practice law nor holding any salaried public
office or employment; (v) one (1) Justice of the Peace; (vi) one (1)
Judge of a Municipal Court; [~~and,~~] (vii) one (1) Judge of a County
Court at Law; and (viii) one (1) Judge of a Constitutional County
Court; provided that no person shall be or remain a member of the
Commission, who does not maintain physical residence within this
State, [~~or who resides in, or holds a judgeship within or for, the~~
~~same Supreme Judicial District as another member of the~~
~~Commission,~~] or who shall have ceased to retain the qualifications
above specified for that person's [~~his~~] respective class of
membership, and provided that a Commissioner of class (i), (ii),
(iii), (vii), or (viii) may not [~~except that the Justice of the~~
~~Peace and the Judges of a Municipal Court and or a County Court at~~

1 ~~Law shall be selected at large without regard to whether they~~
2 reside or hold a judgeship in the same court of appeals district
3 ~~[Supreme Judicial District]~~ as another member of the Commission.
4 Commissioners of classes (i), (ii), ~~[and]~~ (vii), and (viii) above
5 shall be chosen by the Supreme Court with advice and consent of the
6 Senate, those of class (iii) by the Board of Directors of the State
7 Bar under regulations to be prescribed by the Supreme Court with
8 advice and consent of the Senate, those of class (iv) ~~[(iii)]~~ by
9 appointment of the Governor with advice and consent of the Senate,
10 and the commissioners of classes (v) and (vi) by appointment of the
11 Supreme Court as provided by law, with the advice and consent of the
12 Senate.

13 (5) The Commission may hold its meetings, hearings and other
14 proceedings at such times and places as it shall determine but shall
15 meet at Austin at least once each year. It shall annually select
16 one of its members as Chairman. A quorum shall consist of seven (7)
17 ~~[six (6)]~~ members. Proceedings shall be by majority vote of those
18 present, except that recommendations for retirement, censure,
19 suspension, or removal of any person holding an office named in
20 Paragraph A of Subsection (6) of this Section shall be by
21 affirmative vote of at least seven (7) ~~[six (6)]~~ members.

22 SECTION 2. This proposed constitutional amendment shall be
23 submitted to the voters at an election to be held November 8, 2005.
24 The ballot shall be printed to provide for voting for or against the
25 proposition: "The constitutional amendment to include one
26 additional public member and a constitutional county court judge in
27 the membership of the State Commission on Judicial Conduct."

SENATE AMENDMENTS

05 MAY 21 AM 3:57

2nd Printing

HOUSE OF REPRESENTATIVES

By: Farabee

H.J.R. No. 87

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the membership of
2 the State Commission on Judicial Conduct.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Sections 1-a(2) and (5), Article V, Texas
5 Constitution, are amended to read as follows:

6 (2) The State Commission on Judicial Conduct consists of
7 thirteen (13) [~~eleven (11)~~] members, to wit: (i) one (1) Justice of
8 a Court of Appeals; (ii) one (1) District Judge; (iii) two (2)
9 members of the State Bar, who have respectively practiced as such
10 for over ten (10) consecutive years next preceding their selection;
11 (iv) [~~(iiii)~~] four (4) citizens, at least thirty (30) years of age,
12 not licensed to practice law nor holding any salaried public office
13 or employment; (v) one (1) Justice of the Peace; (vi) one (1) Judge
14 of a Municipal Court; [~~and,~~] (vii) one (1) Judge of a County Court
15 at Law; (viii) one (1) Judge of a Statutory Probate Court; and (ix)
16 one (1) Judge of a Constitutional County Court; provided that no
17 person shall be or remain a member of the Commission, who does not
18 maintain physical residence within this State, [~~or who resides in,~~
19 ~~or holds a judgeship within or for, the same Supreme Judicial~~
20 ~~District as another member of the Commission,~~] or who shall have
21 ceased to retain the qualifications above specified for that
22 person's [~~his~~] respective class of membership, and provided that a
23 Commissioner of class (i), (ii), or (iii) may not [~~except that the~~
24 ~~Justice of the Peace and the Judges of a Municipal Court and or a~~

1 ~~County Court at Law shall be selected at large without regard to~~
2 ~~whether they~~ reside or hold a judgeship in the same court of
3 appeals district [~~Supreme Judicial District~~] as another member of
4 the Commission. Commissioners of classes (i), (ii), [~~and~~] (vii),
5 (viii), and (ix) above shall be chosen by the Supreme Court with
6 advice and consent of the Senate, those of class (iii) by the Board
7 of Directors of the State Bar under regulations to be prescribed by
8 the Supreme Court with advice and consent of the Senate, those of
9 class (iv) [~~(iii)~~] by appointment of the Governor with advice and
10 consent of the Senate, and the commissioners of classes (v) and (vi)
11 by appointment of the Supreme Court as provided by law, with the
12 advice and consent of the Senate.

13 (5) The Commission may hold its meetings, hearings and other
14 proceedings at such times and places as it shall determine but shall
15 meet at Austin at least once each year. It shall annually select
16 one of its members as Chairman. A quorum shall consist of seven (7)
17 [~~six (6)~~] members. Proceedings shall be by majority vote of those
18 present, except that recommendations for retirement, censure,
19 suspension, or removal of any person holding an office named in
20 Paragraph A of Subsection (6) of this Section shall be by
21 affirmative vote of at least seven (7) [~~six (6)~~] members.

22 SECTION 2. This proposed constitutional amendment shall be
23 submitted to the voters at an election to be held November 8, 2005.
24 The ballot shall be printed to provide for voting for or against the
25 proposition: "The constitutional amendment to include a statutory
26 probate court judge and a constitutional county court judge on the
27 membership of the State Commission on Judicial Conduct."

ADOPTED

31-0
MAY 20 2005

Letty Spaw
Secretary of the Senate

By: _____ .J.R. No. _____

Substitute the following for _____ .J.R. No. _____:

By: Wentworth C.S. 4.J.R. No. 87

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7 thirteen (13) [~~eleven (11)~~] members, to wit: (i) one (1) Justice of
8 a Court of Appeals; (ii) one (1) District Judge; (iii) two (2)
9 members of the State Bar, who have respectively practiced as such
10 for over ten (10) consecutive years next preceding their selection;
11 (iv) five (5) [~~(iiii) four (4)~~] citizens, at least thirty (30) years
12 of age, not licensed to practice law nor holding any salaried public
13 office or employment; (v) one (1) Justice of the Peace; (vi) one (1)
14 Judge of a Municipal Court; [~~and,~~] (vii) one (1) Judge of a County
15 Court at Law; and (viii) one (1) Judge of a Constitutional County
16 Court; provided that no person shall be or remain a member of the
17 Commission, who does not maintain physical residence within this
18 State, [~~or who resides in, or holds a judgeship within or for, the~~
19 ~~same Supreme Judicial District as another member of the~~
20 ~~Commission,~~] or who shall have ceased to retain the qualifications
21 above specified for that person's [~~his~~] respective class of
22 membership, and provided that a Commissioner of class (i), (ii),
23 (iii), (vii), or (viii) may not [~~except that the Justice of the~~
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1 ~~Law shall be selected at large without regard to whether they]~~
2 reside or hold a judgeship in the same court of appeals district
3 ~~[Supreme Judicial District]~~ as another member of the Commission.
4 Commissioners of classes (i), (ii), ~~[and]~~ (vii), and (viii) above
5 shall be chosen by the Supreme Court with advice and consent of the
6 Senate, those of class (iii) by the Board of Directors of the State
7 Bar under regulations to be prescribed by the Supreme Court with
8 advice and consent of the Senate, those of class (iv) ~~[(iiii)]~~ by
9 appointment of the Governor with advice and consent of the Senate,
10 and the commissioners of classes (v) and (vi) by appointment of the
11 Supreme Court as provided by law, with the advice and consent of the
12 Senate.

13 (5) The Commission may hold its meetings, hearings and other
14 proceedings at such times and places as it shall determine but shall
15 meet at Austin at least once each year. It shall annually select
16 one of its members as Chairman. A quorum shall consist of seven (7)
17 ~~[six (6)]~~ members. Proceedings shall be by majority vote of those
18 present, except that recommendations for retirement, censure,
19 suspension, or removal of any person holding an office named in
20 Paragraph A of Subsection (6) of this Section shall be by
21 affirmative vote of at least seven (7) ~~[six (6)]~~ members.

22 SECTION 2. This proposed constitutional amendment shall be
23 submitted to the voters at an election to be held November 8, 2005.
24 The ballot shall be printed to provide for voting for or against the
25 proposition: "The constitutional amendment to include one
26 additional public member and a constitutional county court judge in
27 the membership of the State Commission on Judicial Conduct."

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 16, 2005

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR87 by Farabee (Proposing a constitutional amendment relating to the membership of the State Commission of Judicial Conduct.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$66,497.

The State Commission on Judicial Conduct estimates a fiscal impact of \$5,500 in fiscal year 2006 and \$5,000 every year thereafter for travel and other operating expenses related to the passage of House Joint Resolution 87, which adds one constitutional county court judge and one citizen to the Commission. Additionally, the agency anticipates a cost of at least \$12,000 for expenses related to expanding its accommodations for 2 additional commissioners. It is assumed that the annual costs associated with the implementation of this provision could be absorbed within the agency's existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 242 State Commission on Judicial Conduct

LBB Staff: JOB, LB, ZS, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 9, 2005

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

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LBB Staff: JOB, LB, ZS, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION
Revision 1

April 14, 2005

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR87 by Farabee (Proposing a constitutional amendment relating to the membership of the State Commission on Judicial Conduct.), **Committee Report 1st House, Substituted**

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LBB Staff: JOB, LB, ZS, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 6, 2005

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 29, 2005

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR87 by Farabee (Proposing a constitutional amendment to include a constitutional county judge on the membership of State Commission on Judicial Conduct.), **As Introduced**

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The State Commission on Judicial Conduct estimates an additional cost of \$2,000 per fiscal year, beginning in fiscal year 2006, for travel and other operating expenses related to passage of HJR 87. It is assumed that the costs associated with the implementation of this provision could be absorbed within the agency's existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 242 State Commission on Judicial Conduct

LBB Staff: JOB, LB, ZS, ER

ENROLLED

H.J.R. No. 87

A JOINT RESOLUTION

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5 shall be chosen by the Supreme Court with advice and consent of the
6 Senate, those of class (iii) by the Board of Directors of the State
7 Bar under regulations to be prescribed by the Supreme Court with
8 advice and consent of the Senate, those of class (iv) ~~[(iiii)]~~ by
9 appointment of the Governor with advice and consent of the Senate,
10 and the commissioners of classes (v) and (vi) by appointment of the
11 Supreme Court as provided by law, with the advice and consent of the
12 Senate.

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14 proceedings at such times and places as it shall determine but shall
15 meet at Austin at least once each year. It shall annually select
16 one of its members as Chairman. A quorum shall consist of seven (7)
17 ~~[six (6)]~~ members. Proceedings shall be by majority vote of those
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19 suspension, or removal of any person holding an office named in
20 Paragraph A of Subsection (6) of this Section shall be by
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24 The ballot shall be printed to provide for voting for or against the
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27 the membership of the State Commission on Judicial Conduct."

H.J.R. No. 87

President of the Senate

Speaker of the House

I certify that H.J.R. No. 87 was passed by the House on April 25, 2005, by the following vote: Yeas 131, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.J.R. No. 87 on May 23, 2005, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.J.R. No. 87 was passed by the Senate, with amendments, on May 20, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

RECEIVED: _____

Date

Secretary of State

President of the Senate

Speaker of the House

I certify that H.J.R. No. 87[✓] was passed by the House
(1)

on April 25[✓], 2005, by the following vote:
(2)

Yeas 131[✓], Nays 0[✓], 2 present, not voting[✓];
(3) (4)

and that the House concurred in Senate amendments to H.J.R. No. 87[✓]
on May 23[✓], 2005, by the following
(5)

vote: Yeas 143[✓], Nays 0[✓], 2 present, not voting[✓].
(6) (7)

Chief Clerk of the House

**** Preparation: CT19

I certify that H.J.R. No. 87[✓] was passed by the Senate, with
(1)

amendments, on May 20[✓], 2005, by the following
(2)

vote: Yeas 31[✓], Nays 0[✓].
(3) (4)

Secretary of the Senate

RECEIVED:

Date

Secretary of State

**** Preparation: CT20

H.J.R. No. 81

By Farah

proposing a constitutional amendment to include a constitutional county judge on the membership of State Commission on Judicial Conduct.

MAR 10 2005

Filed with the Chief Clerk

MAR 14 2005

Read first time and referred to Committee on Judiciary

APR 13 2005

Reported favorably (~~unfavorably~~)
(as substituted)

APR 15 2005

Sent to Committee on Calendars

APR 25 2005

Read second time (comm. subst.) (~~amended~~) and adopted (~~passed to third reading~~) by a record vote of 31 yeas, 0 nays, 2 present, not voting

Read third time (amended) and finally adopted (failed of adoption) by a record vote of yeas, nays, present, not voting

APR 26 2005

Engrossed

APR 26 2005

Sent to Senate

Robert Haney
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

APR 26 2005

Received from the House

APR 27 2005

Read and referred to Committee on JURISPRUDENCE

Reported favorably

MAY 16 2005

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

MAY 20 2005

Senate and Constitutional Rules to permit consideration suspended by BY A VIVA VOCE VOTE (~~unanimous consent~~)
(yeas, nays)

MAY 20 2005

Read second time, , and passed to third reading by (~~unanimous consent~~)
(a viva voce vote)
(yeas, nays)

MAY 20 2005

Senate and Constitutional 3 Day Rules suspended by a vote of 31 yeas, 0 nays

MAY 20 2005

Read third time, , and passed by 31 yeas, 0 nays

May 20, 2005

Returned to the House

Larry Spaul
SECRETARY OF THE SENATE

OTHER SENATE ACTION:

MAY 20 2005

Returned from the Senate (as substituted)
(with amendments)

MAY 23 2005

House concurred in Senate amendments by a ~~(record vote of 143 yeas, 0 nays, 2 present, not voting)~~
(record vote of 143 yeas, 0 nays, 2 present not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

House conferees appointed: _____, Chair; _____,

Senate granted House request. Senate conferees appointed: _____, Chair;

Conference committee report adopted (rejected) by the House by a record vote of
_____ yeas, _____ nays, _____ present, not voting

Conference committee report adopted (rejected) by the Senate by a record vote of
_____ yeas, _____ nays

05 MAY 21 AM 3:57

HOUSE OF REPRESENTATIVES

05 APR 14 PM 10:51

HOUSE OF REPRESENTATIVES